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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,089	12/13/2001	Steffen Denzinger	WI 00004	6890

7590 09/21/2004

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EXAMINER

CHU, JOHN S Y

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,089

Applicant(s)

DENZINGER ET AL.

Examiner

John S. Chu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to the amendment filed June 25, 2004.

1. The rejection under 35 U.S.C. 103 as unpatentable over KATHO ET AL '037 is **withdrawn** wherein the prior art of record to KATOH et al discloses a backing layer wherein the back layer has a degree of matte. The matte agent as disclosed in KATOH et al include water dispersible polymers as well as inorganic fine particles which are preferably included in an outermost surface layer to give the recited Bekk smoothness, see column 33, lines 55 – column 56, line 2. This disclosure fails to meet the claimed pigment particle-free layer as recited in claim 18.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18-35 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 883,028 A1 (NARUSE et al).

The claimed invention is drawn to the following:

A recording material for the production of offset printing plates, which comprises a web- or plate-form support, a radiation-sensitive layer on the front of the support and a continuous, pigment particle-free layer on the back, and the back layer consists essentially of an organic polymeric material having a glass transition temperature T_g of at

least 45°C, and said material has a surface and said surface has a Bekk smoothness of from 5 to 800 s.

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and

A process for the production of the recording material according to claim 18, which comprises applying the back layer by roller application.

NARUSE et al discloses a photosensitive lithographic plate and precursor wherein resinous protrusions are provided on the back layer, see Fig. 1 in the abstract. Applicants are also directed to column 14, line 45 – column 15, line 20 for the description of the protrusions with respect to design of the layer to the coating methods. These protrusions aid in preventing the deterioration of the vacuum adhesion due to the mat collapse when winding the printing plates into coils. This is accomplished by the formation of protrusions on the back side of the printing plate. The Bekk smoothness is not explicitly disclosed, however based on the rough surface of the back layer having the protrusions, the claimed Bekk smoothness would inherently be present. Thus the claims are seen to anticipate the claimed invention and thus provide the Bekk smoothness as recited. The protrusions on the back layer recited in NARUSE et al allow for the vacuum adhesion and would easily provide the recited value for the Bekk smoothness as claimed.

Each of Examples 1 and 2 meet the claimed invention for the recording material having the recited Bekk smoothness though not reciting the specified Bekk smoothness.

The radiation sensitive layers as recited in claims 23-26 are disclosed in column 4, line 9 – column 13, line 32.

With respect to the claims drawn to a roller coating method, the method as recited is conventional to the art among coating methods such as die coating, spray coating and gravure

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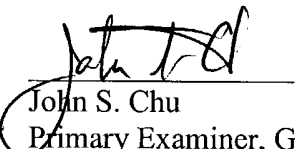
coating wherein gravure coating meets the claimed roller coating process as recited in claims 27-33.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval,(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John S. Chu
Primary Examiner, Group 1700

J.Chu
September 17, 2004